

July 26, 2010

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Curtis, and Higgins attending. Board member Hoehn was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Supt. Givens; Comm. Maynard; David and Judy Whitten; Nancy Sexton; Larry Harms; Larry Williams; Bill Newman and John Taylor – Posey County Economic Development Partnership; Todd Guthrie – CGB; Pam Robinson – Posey County News; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Board member Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairwoman Askren stated she has no report.

Supt. Gray reported the painting of the Mulberry Tower is done and they are putting the final touches on. He added the logo went on yesterday and it measures 16' by 20'. He then stated he is pleased with the finished product, though they did have to replace some portions of the riser and safety rail on top of the tank was installed. He stated he had been afraid of the tank inspection, as in many older tanks there can be a wax build up. He stated they did not show any of that, which is a good thing. He added they can treat the inside with a two coat epoxy for the same price they did the outside, \$24,800, but he will get something to them in writing before the next meeting on that.

Supt. Gray continued his report by stating the 6" line that was to be installed across Water Street is in and the conduit has been laid on top of that for the electricity for the festival. He then stated he received a notice from IDEM wanting the city to move forward on the sludge treatment issue. He added he has a new contract with Morrison on that and he is happy with it, though it needs reviewed by Attorney Higgins. He stated the costs have gone up some, around \$40,000 in construction costs. He added more permits may also be needed which could add an additional \$35,000 as well – total the cost went up about 25% from the original figures.

Board member Curtis asked if there was a deadline for which some kind of action needs to be taken on the notice ?

Supt. Gray replied a plan of action is needed within two weeks, as they are currently in violation.

Board member Curtis stated Supt. Gray needs to proceed with the action plan.

Supt. Gray added nothing is set in stone right now, they can discuss it at the next meeting.
Attorney Higgins replied they will have a plan in place within two weeks, and the board can anticipate signing the Morrison contract at the next meeting.
Board member Curtis asked that Supt. Gray get the action plan to the Board as soon as possible.
Supt. Gray agreed.
Mayor Tucker asked if there were any questions ?
There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Bookkeeper Bennett.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?
Clerk-Treasurer Sitzman stated she has nothing at this time.

Mayor Tucker asked if there were any Legals for consideration ?
Attorney Higgins stated CTLC, a division of Consolidated Grain and Barge (CGB) is present to request a water tap, and they are actually in a rush for a connection. She added they are asking for a 2", south of Bluff Road and Supt. Gray is aware of the request.
Todd Guthrie approached and stated they are 3 weeks from completion on construction for the \$3M ethanol plant load out. He added they need the water to cool their carbon beds.
Supt. Gray stated there is great pressure in the area; 1100 gpm at 85 psi.
Board member Curtis moved the request to tap be granted, pending completion of paperwork. Seconded by Board member Askren.
Mayor Tucker asked if there was any discussion ?
There was none.
Mayor Tucker requested a roll call vote.
Roll was called by the Clerk-Treasurer with Board voting as follows:
Askren – yes; Fuelling – yes; Hoehn – absent;
Curtis – yes; Higgins – yes.
Mayor Tucker stated the motion carried unanimously.
Mr. Guthrie thanked the Board and left the meeting.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?
Larry Harms approached and stated he has lived at 3035 Seibert Lane for over 30 years with a weak well, smelly water, etc. He added he has tried many different things over the years, even hauling in water, but being older now and on social security, these many different things are getting more and more expensive. He then stated there is a 2" line in front of his property, which serves the Russell Trailer Park, new boosters have been installed, all the neighbors are tied in and he would like to now tap and begin to receive city water. He added John Russell told him he could tap, but he would not sign any agreement with him to do that unless the city agrees to take over that line. He added the line was put in in the 1960's, so it is 40 years old.
Supt. Gray stated that line does not meet State standard codes.
Board member Curtis stated it has been an issue in the past for the city to take over that line. He added he has no problem with Mr. Harms' tapping the line, but it is not the city's water line.
Attorney Higgins stated as it is a private line, taps can not be prohibited but a recovery fee can be set, which would be paid to the owner of the line, as well as the city's normal tap fee. She added in this case, they may need to try to locate the original 40 year old agreement.
Mr. Harms stated the line runs through his ditch line but he understands that the city portion of the line could be very expensive.
Attorney Higgins again stated she believes they need to try to locate the original agreement.
Mr. Harms thanked the Board for listening and then left the meeting.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?
There was no response.

Mayor Tucker asked if there was any Old Business ?
Board member Fuelling stated he and his wife will be doing some landscaping around the Mulberry water tower, once it is completely finished. He added it will be something that is manageable and relatively low maintenance. Sheila Stewart has asked to be able to maintain it and add flowers as needed.

Mayor Tucker asked if there was any New Business ?
Board member Higgins stated she would like to bring up the ordinance that she brought up at the last meeting, concerning docking/tying boats at the riverfront. She added the current ordinance dates back to 1947 and she feels they need to update that and work on trying to protect the city's intake lines. She then stated she also feels a penalty should be added and she will bring this up again during the Council meeting as it also effects the street department.
Attorney Higgins will review the ordinance get with Supt. Gray as well.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.
Board member Fuelling moved the meeting be adjourned. Seconded by Board member Curtis.
Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Curtis, and Higgins attending. Councilwoman Hoehn was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Supt. Givens; Comm. Maynard; David and Judy Whitten; Nancy Sexton; Larry Williams; Bill Newman and John Taylor – Posey County Economic Development Partnership; Pam Robinson – Posey County News; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Councilwoman Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?
There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Hoehn was not present.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Curtis stated he has no report.

Chief Waters was not present.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the Public Hearing on the Ordinance of Additional Appropriations in the EDIT, COIT, and State Gaming Funds.

Mayor Tucker stated they will now open the Public Hearing and asked if anyone in the Audience wished to address the Council for or against the issue ?

There was no response.

Mayor Tucker then closed the Public Hearing.

Councilman Fuelling moved the ordinance pass on final reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 10-11.

Attorney Higgins stated the next ordinance come to them at the request of Building Commissioner Brandon Bullard. She added it address time limits on permits and fees, and aligns the city fees, etc with that of the county. She then cited the following from Section 150.07:

Any permit issued under this Chapter may be revoked if active work is not commenced within sixty (60) days after the date of the permit's issue, or if work was started and then stopped for a period of six (6) months.

Councilman Fuelling stated he feels this ordinance is a good thing that has needed to be done.

Councilman Curtis agreed and added it will make things more consistent.

Councilman Fuelling moved the ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title XV – Land Usage, Chapter 150 – Section 150.07 Permit Required, and Building Code – Appendix: Schedule of Fees pass first reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item came to her late, Council may just review tonight, or proceed if they so choose. She stated due to changes in the State Statutes the city is revising their curfew ordinance. She summarized the new guidelines as follows:

Curfew for children 15,16, or 17 years of age:

It is a curfew violation for a child 15, 16, or 17 years of age to be in a public place:

Between 1 a.m. and 5 a.m. on Saturday or Sunday;

After 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

Before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

Chief Beloat explained this has come up as a result of some of the neighborhood watch meetings they have been having. He added that is the biggest issue among most of the citizens they have talked to. He then stated he has spoken with the judge and the county prosecutor's office and they are both willing to enforce curfew violations.

Mayor Tucker stated this will really help keep kids off the street during those early morning, late night hours.

Chief Beloat added it is already being enforced – the police department picked three juveniles up over the weekend, and one of those picked up had information that will stem into other charges for him. He stated he thinks it is a positive thing and a good deterrent – an effective tool.

Councilman Curtis stated kids between 15 and 17 do not need to be out on the streets between 1 am and 5 am regardless. He added at least this ordinance will give the police something else to back them up, and he stated he has no problem with it.

Councilman Fuelling questioned the state guideline, can the city do something different from that ?

Attorney Higgins replied the city can be MORE restrictive, but then two different issues would be happening and the police would need to check the times kids were picked up to determine if they had an ordinance violation or a state law issue. She added it would make things more difficult for the police.

Councilman Fuelling replied he does not want to do that.

Councilman Curtis moved the Ordinance to Amend City of Mt. Vernon Code of Ordinance, Title XIII – General Offenses, Chapter 130 – General Provisions, Section 130.03 – Curfew pass first reading.

Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated she has no other Legals for this evening but at the next meeting they will have an amendment to the weed ordinance, as requested by Clerk-Treasurer Sitzman's office.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Bill Newman approached and stated at their last meeting he mentioned that the Partnership had made an offer to someone for the position of Executive Director and tonight he would like to introduce the new Director the Council. He then stated John Taylor, from Morgan County, has accepted the position and is looking forward to getting started.

Mr. Taylor stated he has received a very warm reception since he arrived and that is very much appreciated. He continued to tell the Council a little more about himself, and his extensive background in economic development. He concluded by stating he is looking forward to getting to know each and everyone and he is always available for meetings, phone calls, visits, etc.

Larry Williams approached and stated he would like to thank Mr. Newman and Mrs. Michelle Hudson for their perseverance in getting someone hired for this position. He added they have worked very hard and should be commended.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilman Curtis questioned the status of the city's assisting the PCEDP ? He added Mr. Newman has been to several meetings and the city has made no formal commitment and he feels it is time to make a decision.

Attorney Higgins stated the Additional Appropriation Ordinance that was passed this evening addressed the city's commitment for 2010 in the EDIT appropriation for \$15,000.

Councilwoman Higgins stated the EDIT budget for 2011 appropriated \$26,000 for the Partnership.

Councilman Curtis wondered if they could bump that up to \$30,000 for 2011 ?

Councilman Fuelling stated he would go along with that.

Clerk-Treasurer Sitzman stated as she is the middle of the budget process, anything they are going to change, they need to do NOW.

Councilwoman Higgins stated she has no problem with \$30,000.

Council consented to change the 2011 EDIT budget appropriation for PCEDP from \$26,000 to \$30,000.

Mayor Tucker asked if there was any other Old Business ?

Councilman Fuelling stated he would like to thank Chief Beloit and Larry Robb for another successful Neighborhood Watch meeting, that being in District 2. He stated it is a positive thing and they did a great job.

Mayor Tucker asked if there was any other Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

Councilwoman Higgins stated she would like Council to consider cleaning up the 1947 docking/mooring ordinance, as it will also effect the street department.

Mayor Tucker asked if there was any other New Business ?

Councilman Fuelling stated he would like Council to look at the intersection of 8th and Mulberry and consider reversing the STOP signs from traffic stopping on 8th Street to instead having traffic stop on Mulberry.

Mayor Tucker asked if there was any other New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilwoman Hoehn was not present.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she received a call from a resident on W. Grant Street asking that the Council consider lowering the speed limit from 30 mph to 20 mph. She asked Council to look at the area.

Councilwoman Askren added that is pretty slow.

Councilman Curtis agreed and added he will look into it.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilwoman Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer